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In re Application of	:	
Chung et al.	:	
Application No. 10/069586	:	DECISION ON
PCT No.: PCT/US00/14482	:	
Int. Filing Date: 25 May 2000	:	PETITION UNDER
Priority Date: 28 May 1999	:	
Atty. Docket No.: 9426-023-999	:	37 CFR 1.137(b)
For: Osteonectin Based Toxic Gene	:	
Therapy For The Treatment Of	:	
Calcified Tumors And Tissues	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 27 February 2002.

BACKGROUND

This international application was filed on 25 May 2000 and claimed earliest priority of an application filed on 28 May 1999. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 28 November 2001. This international application became abandoned with respect to the United States for failure to timely pay the required basic national fee.

On 27 February 2002, applicants filed the instant petition.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. The petition satisfies requirements (2), (3) and (4) but does not satisfy requirement (1).

Regarding requirement (1), the petition was accompanied by the required reply in the form of the basic national fee.

Regarding requirement (2), the petition was accompanied by the petition fee.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the

international filing date of this application is later than 8 June 1995.

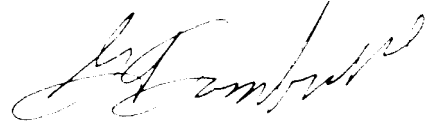
DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration in compliance with 37 CFR 1.497(a) and (b).



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